

### **REMARKS/ARGUMENTS**

The Examiner has required restriction between:

Group I, claims 1-34, drawn to a nanoparticle comprising a core having a magnetic and fluorescent material, said nanoparticle is less than 1 micron in size.

Group II, claims 35-47, drawn to a method of preparing a nanoparticle comprising a magnetic particle coated with a phosphor fluoride.

Group III, claims 48-56, drawn to a method of preparing a nanoparticle comprising fluorescent magnetic particles coated with silica.

Applicants hereby elects Group II, claims 35-47, without traverse. Applicants request examination of the elected subject matter on the merits.

Applicants expressly reserve the right under 35 U.S.C. §121 to file a divisional application directed to the non-elected subject matter during the pendency of this application, or an application claiming priority from this application. Applicants' elections are made without prejudice.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 514572001900. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: May 13, 2009

Respectfully submitted,

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